

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAUREN ASHLEY MORGAN; ERIK
BARNES; SHERRY BASON; LOIS WINN;
GEORGES EMMANUEL NJONG DIBOKI;
JULIA SIMS; and SOPHIA WOODLAND,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; CUSHMAN &
WAKEFIELD, INC.; FPI MANAGEMENT,
INC.; RPM LIVING, LLC; BH
MANAGEMENT SERVICES, LLC; MID-
AMERICA APARTMENT COMMUNITIES,
INC.; MORGAN PROPERTIES, LLC;
AVENUE5 RESIDENTIAL, LLC; BOZZUTO
MANAGEMENT COMPANY; AVALONBAY
COMMUNITIES, INC.; HIGHMARK
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; THE IRVINE COMPANY,
LLC; ESSEX PROPERTY TRUST, INC.; ZRS
MANAGEMENT, LLC; CAMDEN PROPERTY
TRUST; UDR, INC.; CONAM
MANAGEMENT CORPORATION;
CORTLAND PARTNERS, LLC; THRIVE
COMMUNITIES MANAGEMENT, LLC;
SECURITY PROPERTIES INC.; CWS
APARTMENT HOMES, LLC; PROMETHEUS
REAL ESTATE GROUP, INC.; SARES REGIS
GROUP OPERATING, INC.; MISSION ROCK
RESIDENTIAL, LLC; and MORGAN GROUP,
INC.,

Defendants.

No. 2:22-cv-01712-RSL

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Lauren Ashley Morgan, Erik Barnes, Sherry Bason, Lois Winn, Georges Emmanuel Njong Diboki, Julia Sims, and Sophia Woodland (collectively, “Plaintiffs”) and Defendants Sares Regis Group Operating, Inc. and Morgan Group, Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel,¹ hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December 2, 2022. ECF No. 1.

WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about December 7, 8, 9, 12, and 14, 2022.

WHEREAS, Plaintiffs and the Stipulating Defendants are not aware whether The Irvine Company, LLC, ZRS Management, LLC, and CWS Apartment Homes, LLC are yet represented by counsel.

WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, as of the date of this filing, the parties are aware that one or more of the Defendants named in the Complaint are named in multiple other lawsuits, in District Courts in Colorado, Massachusetts, Texas, and Washington, asserting claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that party and judicial efficiency would be best served by suspending, for a short period of time, the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the Complaint.

WHEREAS, on November 28, 2022, this Court entered in *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), an order that is essentially identical to the subjoined order based on a stipulation that is essentially identical to this one.

¹ Sares Regis Group Operating, Inc. is still in the process of retaining local counsel for this action and has been represented by the national counsel listed in the signature block below.

1 WHEREAS, on December 6, 2022, Judge Barbara J. Rothstein entered in *Alvarez et al.*
2 *v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), which is now pending before this
3 Court, an order that is essentially identical to the subjoined order based on a stipulation that is
4 essentially identical to this one.

5 WHEREAS, on December 8, 2022, Defendant Equity Residential filed a Motion to
6 Transfer the instant case to the Southern District of California.

7 WHEREAS, on December 12, 2022, Judge Robert S. Lasnik entered in *Cherry et al. v.*
8 *RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), an order that is essentially identical to
9 the subjoined order based on a stipulation that is essentially identical to this one.

10 WHEREAS, on December 19, 2022, the Stipulating Plaintiffs filed a Motion to
11 Consolidate this matter with other matters pending in the Western District of Washington
12 related to claims under Section 1 of the Sherman Act for alleged use of Real Page, Inc.'s
13 revenue management software.

14 WHEREAS, Plaintiffs have submitted a proposed order, pursuant to their Motion to
15 Consolidate, that if entered, would order consolidated complaints for, respectively, a
16 Multifamily Housing class and a Student Housing Class, to be filed 45 days after the granting
17 of the Order.

18 WHEREAS, on December 21, 2022, this Court entered an order that is essentially
19 identical to the subjoined order based on a Stipulation between Plaintiffs and other Defendants
20 named in the Complaint that is essentially identical to this one. ECF No. 83.

21 WHEREAS, Stipulating Defendants have agreed to participate in the meet and confer
22 process previously stipulated to by Plaintiffs and other Defendants named in the Complaint,
23 ECF No. 83, and will join in the status report to be filed with the Court by January 18, 2023,
24 related to a schedule for the case.

25 WHEREAS, in light of actions filed recently in the District of Colorado, the District of
26 Massachusetts, and the Western District of Texas and otherwise, the Stipulating Defendants

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1 may file or join motions pursuant to 28 U.S.C. § 1407 or 28 U.S.C. § 1404 to transfer this case
2 to the Northern District of Texas. In making this stipulation, the Stipulating Defendants do not
3 waive, in this or any other action, any (i) defenses or arguments for dismissal that may be
4 available under Fed. R. Civ. P. 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other
5 statutory or common law defenses that may be available; or (iv) right to seek or oppose any
6 reassignment, transfer, or consolidated alternatives. The Stipulating Defendants expressly
7 reserve their rights to raise any such defenses (or any other defense) in response to either the
8 Complaint or any original, amended, or consolidated complaint that may be filed in this or any
9 other action.

10 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend
11 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
12 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

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14 STIPULATED to this 28th day of December, 2022.
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RESPOND TO COMPLAINT

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s/ Steve W. Berman

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ORDER

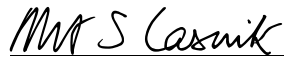
THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore,

IT IS HEREBY ORDERED THAT:

The deadline for Defendants Sares Regis Group Operating, Inc. and Morgan Group, Inc., to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended.

Plaintiffs and Defendants Sares Regis Group Operating, Inc. and Morgan Group, Inc., shall meet and confer and file a status report with the Court by January 18, 2023.

Dated this 29th day of December, 2022.



Robert S. Lasnik
United States District Judge